

INTRODUCTION

PERMIT INDEX

The *Montana Index of Environmental Permits* is prepared by the Environmental Quality Council staff to provide a complete list of the permits and licenses needed to conduct activities that may affect the state's environment. The permit index lists the permits required, the permitting agencies and the statutes and rules that regulate each permit.

The permit index is **not** a legal document. Anyone planning an activity should contact the administering agency for detailed information before beginning a project.

HOW TO USE THE PERMIT INDEX

Find the relevant activity through the index or table of contents.

On the appropriate page, the entry will look like this. ↓

The text in the entry describes the permits and licenses that are required for the activity. ⇒

Listed below the text are the relevant statutes from the Montana Codes (MCA) available online at (http://data.opi.mt.gov/bills/mca_toc/index.htm) and rules (Administrative Rules of Montana (ARMs), available online at <http://arm.sos.mt.gov/>). ⇒

Finally, the entry lists the appropriate agency to contact. ⇒

COMMERCIAL MEDICAL WASTE OR HAZARDOUS WASTE INCINERATORS

Permits for commercial incinerators are required under both the Montana Clean Air Act (see AIR QUALITY PERMITS, p. 32); and the Montana Solid Waste Management Act (see SOLID WASTE - HAZARDOUS WASTE, p. 139). The Board of Environmental Review also has the authority to adopt specific rules regulating medical waste incinerators and to establish additional permit requirements because of the potential health risks from associated substances. The definition of commercial medical waste incinerator does not include hospital or medical facilities that primarily incinerate medical waste generated onsite.

Statute: 75-2-231, MCA

Contact: DEPT OF ENVIRONMENTAL
QUALITY

Permitting and Compliance Division
Air Resources Management Bureau

Next, if the activity is proposed in a specially designated area such as a conservation district or floodplain, check the land designation section located in the first 14 pages of the index. The land designation section is used primarily as a reference to complement information in the activity section.

It is important to note that if the action will affect any species or species habitat protected under the state or federal Endangered Species Acts, special regulations apply. See Nongame and Endangered Species, p. 90.

In addition, a project that may have an impact on the environment is subject to review under the provisions of the Montana Environmental Policy Act (p. 118).

THE STATE REGULATORY STRUCTURE

Montana state government is divided into three branches: legislative, executive and judicial. The laws governing the state are enacted by the Legislature, implemented by the Executive Branch and interpreted by the Judicial Branch.

The state's environmental programs are administered by agencies of the Executive Branch. Each agency is headed by a governor-appointed director who is responsible for the operation of the department. The department is composed of divisions, that are divided into bureaus, that may be further divided into sections.

The Executive Branch agencies administer programs established by statute (contained in the *Montana Code Annotated*) and rule (contained in the *Administrative Rules of Montana*). The principal agencies involved in the issuance or review of environmental permits are the Departments of Agriculture; Environmental Quality; Livestock; Natural Resources and Conservation; Transportation; Fish, Wildlife and Parks; and the Public Service Commission.

FEDERAL AND LOCAL GOVERNMENT PERMITS

Montana administers several federal environmental programs under agreement with the United States Environmental Protection Agency: air and water quality, solid and hazardous waste and asbestos and pesticide regulation. Montana has also been certified by the U.S. Department of the Interior to administer the federal Surface Mining Control and Reclamation Act (SMCRA). Some federal programs are mentioned in the permit index, but it is important to check with the appropriate state agency to determine if any associated federal permits are required for an activity.

Local governments such as town councils, county commissioners or local health officials also administer permits.

GENERAL INFORMATION

The permit index is a starting point for finding information on environmental regulations for certain activities. It does not replace assistance from agency personnel who have the responsibility to help citizens comply with Montana's environmental laws. To avoid difficulties, contact the permitting agencies as soon as possible and integrate environmental regulations into your planning process early.

For answers to general permit questions, call the Governor's Office (444-3111), the Environmental Quality Council (444-3742), or the Citizen's Advocate Office (444-3468, 1-800-332-2272).